

REMARKS/ARGUMENTS

Claim 11 is canceled without prejudice or disclaimer. Claim 1 is amended to further clarify the features of the invention. Support for the amendment is found in the Specification. No new matter is added. Claims 1 – 10 are presented for reconsideration and further examination in view of the following remarks.

Election/Restriction

The Office Action states that the subject matter of claim 11 is directed to non-elected subject matter. In order to advance prosecution, Applicant has cancelled claim 11.

Rejection under 35 U.S.C. §103(a)

The Office Action rejects Claims 1-9 under 35 U.S.C. §103(a) over Kennedy (U.S. Patent No. 4,129,946) in view of Dougherty (U.S. Patent No. 3,647,498). This rejection is traversed.

Applicant's independent claim 1 recites: a dental crown configured to be readily mountable in a patient's mouth as part of a treatment of primary teeth and permanent molars, the dental crown having a natural appearance and color of a vital tooth and comprising: a tooth shaped top surface; and depending flexible side surfaces extending continuously around edges of said tooth shaped top surface and extending continuously from a tooth shaped top surface end of the dental crown to an end opposite said tooth shaped top surface end of the dental crown, said dental crown being formed of a thermoplastic material enabling dimensional stability and sufficient resilience of the crown, at least one of said depending flexible side surfaces comprising an undercut defining an

inwardly directed bottom portion extending to said opposite end of the crown, the undercut made in the flexible side surface, enabling the dental crown to be directly mounted on a primary tooth or permanent molar.

In view of the claimed subject matter, Applicant respectfully directs the Examiner's attention to the distinctions articulated below:

First, the claimed subject differs from the device of Kennedy in color-related issues, as Kennedy is limited to the improvement of existing crown forms, of which matching color to the existing crown can be very challenging as well as impossible, in some cases.

Second, Kennedy's device is not a dental crown configured to be readily mountable in a patient's mouth as part of treatment of primary teeth and permanent molars (i.e., a definite restoration), but is rather "an improved crown form which serves as a mold or matrix for shaping and positioning of a composite resin material used to restore a damaged tooth." See col. 4, lines 11-14. Also, Kennedy states that his crown form differs from the prior art in that the "strip crowns in that the new crown form is much easier to handle, load and position on the tooth and is not subject to deformation problems." See col. 4, lines 15-20. Therefore, Kennedy device is not a final restorative device, but a form aimed at shaping a composite restoration and, then intended to be removed.

Third, the Office Action's statement that "the portion at open gingival end 13 of Kennedy shows an undercut" in the same sense as the Applicant's claimed "undercut," is incorrect. Further, portion 13 of the crown form as shown in the Figures 1, 4, 5 and 7 of Kennedy is not an "inwardly directed bottom portion extending to said opposite end of the crown, the undercut made in the flexible side surface, enabling the dental crown to be directly mounted on a primary tooth or permanent molar." In fact, the portion 13 in the

crown form of Kennedy forms an integral part with a continuous **outwardly extending** flange 20 which presents the bottom end of the crown form at the base of the tooth form to provide, together with a tab 23 extending from the flange, a gripping surface for the crown form. (emphasis added) Thus, Kennedy's portion 13 operates as a gripping surface and does not provide the ability inherent with an undercut, as understood and claimed by the Applicant.

Accordingly, it is readily apparent that Kennedy does not contain the features recited in Applicant's independent claim 1. Dougherty does not cure Kennedy's deficiencies. Rather, Dougherty is directed to different materials usable for crown restoration and the chemical makeup, thereof. Notwithstanding the Office Action's assertion that Dougherty provides flexibility in the coloration of the dental crown, there is no discussion or suggestion in Dougherty regarding the undercut nor all the other features recited in Applicant's independent claim 1, as discussed above in view of Kennedy.

Thus, Kennedy and Dougherty, individually or in combination, do not disclose or suggest all the features of Applicant's independent claim 1. And, therefore, the subject matter of Applicant's independent claim 1 is not obvious in view of Kennedy and Dougherty.

Claims 2-9 depend from independent claim 1. Therefore, for at least the above reasons, the withdrawal of this rejection is respectfully requested.

The Office Action rejects claim 10 under 35 U.S.C. 103(a) as being unpatentable over Kennedy in view of Dougherty and further in view of Karmaker et al. (U.S. Patent No. 6,186,790). This rejection is traversed.

Applicant's independent claim 10 recites: a dental crown configured to be mounted in a patient's mouth as part of treatment of primary teeth and permanent molars, the dental crown being made of acetal homopolymer resin and having a natural appearance and color of a vital tooth, the crown having a tooth shaped top surface and depending flexible side surfaces extending continuously around edges of said tooth shaped top surface and extending continuously from a tooth shaped top surface end of the dental crown to an end opposite said tooth shaped top surface end of the dental crown, said dental crown being dimensionally stable and having sufficient resilience, at least one of said depending flexible continuous side surfaces being formed with an undercut defining an inwardly directed bottom portion, thereby enabling the dental crown to be readily mountable on a primary tooth or permanent molar.

Karmaker is asserted by the Office Action, as providing the polymer material, which is absent from Kennedy. However, Karmaker does not cure the deficiencies of Kennedy or Dougherty, as Karmaker too does not disclose, teach, or suggest all the features of Applicant's independent claim 10, as similarly discussed above with respect to the rejection of claims 1 – 9.

Thus, Karmaker, with Kennedy and Dougherty, individually or in combination, do not disclose or suggest all the features of Applicant's independent claim 10. In view of the above, Applicant respectfully requests the withdrawal of this rejection.

CONCLUSION

In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned attorney if it is

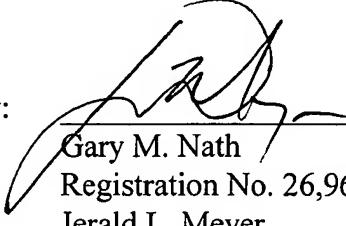
Appl. No. 10/685,803
Reply to Office Action of June 11, 2008
Attorney Docket No. 25771X

believed that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,
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Date: December 9 2008
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